



The  Summer - School of Langeac on 25. - 31. 7 1999

Declaration of LANGEAC

Principles

- 1. Fathers and mothers should be accorded equal status in a child's life, and consequently should have equal rights and equal responsibilities.**
- 2. Where the parents cannot agree, the children should spend equal time living with each parent.**
- 3. Parenthood must be based only on the child-parent relationship, not that between parents. Children have the right to know both parents and vice versa.**

1. The interests of the child

- a) The interests of the child will not be viewed as a pre-defined and separate entity from that of parents and family or as something to be defined by the public authorities or professionals. Parents will act as the medium for interpreting the interests of their children except in extreme cases of individual abuse or parental incapacity.**
- b) The public authorities and third parties can and should be encouraged to support families and individual family members when they need help and if necessary proactively. However in no case except that of severe abuse should they have the right to intervene where parents do not wish this.**
- c) The child has the right to communicate with his or her parents whatever the situation.**
- d) Biological parenthood should be established at birth by way of DNA testing. For any DNA test all material evidence**

and records should be destroyed immediately the conclusion of parenthood (or non-parenthood) is reached.

2. Elective contracts between parents

a) Parents will be able to sign legally valid contracts which may vary their individual rights in regard to their children, eg: in the case of a family split they may agree to make a non-equal division of time and salaries if both so wish, or incorporate clauses involving spousal maintenance. The governments bureaucracies involved in these areas are charged with creating suitable blank contracts and formulae in order to simplify the choices involved and the cost of such procedures.

b) Parents will have access to advice and structured agreements (contracts) which will in all cases, be it via mediation or judicial intervention, stand as valid instruments permitting the formalisation of such methods as division of residential time, etc.

3. Respect for the individual freedom of action of each parent

a)... will not be modified, except by the minimum requirements of parental cooperation.

b) Geographical dislocation: where one or both parents wishes to move somewhere far away, leading to potential problems of contact, transport costs and disruption to children, may require outside authorities to make decisions affecting the quantities of time spent with each parent. This is because the free adult choice of where to live may be in conflict with the compromises necessary to ensure parental residence. Decisions thus arrived at must take into account all factors, including the need to find a job by moving for instance, and the need to respect adult choices and decisions. Assumptions based on the dogma of stable residence should not be made.

4. Adoptive parents, extended family and significant others

Children should have the right of access to and information from members of the extended family on both sides and vice versa. The residential parent at any given time should have the right of final decision over children's contact with other parties excepting extended family, parents and adoptive parents. The child retains the right to know both natural

parents, of both receiving and sending communications to them, with proof that this has arrived.

5. The Politico-legal Context

a) The politico-legal context within which family and gender issues are decided must be clear and fair between the sexes, with neither positive or negative discrimination. Relationships between men, women and children will be treated in such a way as to preclude the development of group competition and polarity between them. There should be no presumption that one group's needs override the interests of others.

b) The interests of the child are defined by parents, together. In the case of separation they are to be defined by each parent in their residential time with the child. Only in the case where clear abuse against the child is established may other parties or public bodies acquire the right to override parental decisions in this respect. In all other cases, their decision-making power should be limited to the ability to offer help and support to families in need.

6. Equality at work

a) Both sexes should have equal right to parental leave from work.

b) Work structures should be planned so that both parents are able to participate as fully as possible in the life of their children.

c) This indisputably requires the restructuring of employment so that in many ways it reflects the work patterns of primary and secondary school teachers. This proposal is made, of course, within the context of a global reduction in the requirements for workers and in the light of general awareness of the need to enrich the emotional and functional links between the generations.

7. Mediation, Judicial Discretion and Involvement of Professional Third Parties

a) Mediated cooperation through professional third parties may be preferable where children's welfare requires it. Residence should not be dependent on the assessment by professionals of parental cooperation or non-cooperation.

b) Certain decisions require joint consent. Structures should

be put in place to enable this, whether through third parties or directly. Examples of such decisions: vaccinations (medical care), choice of school, residence timetables, etc.

c) Only in the case that parents are not able to arrive at a mutual agreement will the intervention of mediators in the first instance and of the court as a final resort become necessary.

d) In cases where parents simply do not or cannot reach agreement, either directly or through mediation, judges will have to make the decisions for them. This does not imply that these outside authorities have the right to decide the quantities of parental time, but only the distribution of the quantities of time agreed by both parents or the default of 50 / 50.

e) Justice should not only be done but be seen to be done. In camera proceedings should be avoided wherever possible. Where it is deemed necessary or desirable to protect the identity / ies of the parties, records of the proceedings and justification for the decision should be made publicly available. In order to achieve this, proper stenographed records of all proceedings must be kept.

f) Mediation should be available before, during and after divorce / separation. Mediation must be independent from the courts. It must always be a free public service, optional and gender neutral. Courts should respect mediation agreements and mediation intervention.

8. Finances

a) If parents are financially capable, each parent is to be held financially responsible for half the costs of childcare. This cost may be pre-determined on the basis of minimum child maintenance and childcare costs, which will be the responsibility of parents in the first instance, and of the state or other responsible bodies where parents do not or cannot fulfil their obligations.

b) Any other agreements or contracts between the parents regarding financial maintenance and other childcare issues may be freely entered into by mutual accord between both parents. That is to say, both parents can mutually sign legally valid contracts varying their basic rights, for example, by giving more or less rights to money or residential time to one or the other parent.

9. Child abuse

- i) cruelty;**
- ii) negligence;**
- iii) violence;**
- iv) sexual abuse**

should be dealt with under the relevant criminal law, not the laws of residence and equal parenthood. The presumption of innocence until proven guilty should apply in all cases except those at b) below.

a) Evaluation of child abuse should be without prejudice. The four types of abuse will have no order of priority in judicial decisions. Unless accusations are of such gravity that they affect the immediate safety of the child, no decision to suspend residence with either parent should be made.

b) Where accusations exist and residence has been suspended, immediate provisional investigation to assess dangers of residence should take place, with a maximum of a two weeks' delay permitted before 50 / 50 or other agreed double residence is restored. Separation should not be used as an opportunity for revising the residence rights to one of the parents.

c) False accusations or perjury should be severely dealt with under the criminal law.

d) As parental alienation damages the child-parent relationship, it is detrimental to the best interests of the child, and should be viewed as a form of child abuse. Actions by state authorities which damage child-parent relationships should also be viewed as a form of child abuse and carry corresponding penalties.

10. Cases which do not concern equal parenthood

EP does not directly address cases where one or both parents refuse or cannot take up their parental responsibilities in respect of their children, to care for and maintain them. It only addresses those cases where both parents want to look after and be responsible for both of their children. Within EP it is recognised that to force a parent to look after their child physically when they state they do not wish to is probably inadvisable. However, given that financial obligations to care for the child exist, the need to provide care for the child are available, either through the parents or the state. Equally, child abuse is under EP, regarded as a distinct and separate question.

Definitions

Parents

... are defined as the biological parents or in the case of severe abuse by biological parents or where children are orphaned, the adoptive parents.

Child

... is taken to mean a human being from birth to the age of emancipation or majority, whichever is the lower.

Family

...is a child and it's biological or adoptive parents.

Extended Family

... are the blood relatives of the child or his or her adoptive parents.

Clarification:

Each part of this declaration is integral to the whole and cannot be applied outside the context of the other clauses.

Signed on Friday 30 July 1999 by:

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Letzte Änderung: 09/25/2011 02:27:35

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